

PUBLIC COMMENT MEETING

July 23, 2003

7:00 p.m.

NOVATO, CALIFORNIA

Reported by Adrian T. Edler

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52 Longwood Drive, San Rafael, California 94901/ (415) 457-4417

P R O C E E D I N G S

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July 23, 2003

7:00 P.M.

Mr. Keller - Welcome to our public meeting this evening. This is the meeting on the Petroleum and Lubricant (POL) Hill FOST. The meeting this evening will be on that document which is out for public comment. We also have this evening interpretation services for American sign language.

Please introduce yourselves.

Interpreter 1 -

I am *. I am glad to be here. No response.

Mr. Keller - No response on that. Spanish interpretation?

Interpreter 2 - I am Jessica *.

Mr. Keller - And no response on that. All right.

We also will be having a transcript of the meeting this evening, so if you do have public comments, please come forward and we will have a microphone right here on the table, and please state your name for the record when you do make your comments. We have hand-outs on the table of the presentation tonight, so hopefully you picked one of those up. There are also copies of the fax sheet that was mailed out that describes the fuel and the FOST and contact information on that sheet.

The Agenda for this evening will be to have an overview and go through a little bit of the history of

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Hamilton and the POL Hill parcel, the Environmental Remediation Process, and then the Property Transfer Process, going over the Base Realignment and Closure Act. In that part of the discussion, we will discuss a little bit on the Environmental Baseline Survey, the EBS, the Finding of Suitability to transfer the FOST -- that is the document that is out for public comment right now -- and we will take public comments, questions and answers, at that time.

The Hamilton Airfield -- some of it was constructed in 1933. It is shown on this aerial photo. The property that we are talking about tonight is known as POL Hill and it is identified here outlined in red, the approximate location right here. This is the main airfield runway strip itself, a little bit west on the north end of the runway here of that feature. The rest of this property in this area, most of this GSA property, has already been transferred. Either it is open space in Novato and/or it is being redeveloped as commercial and residential areas. So directly to the east of POL Hill, there is a residential development right in this area, another residential development going on to the South. On the west is Landfill 26, and the rest of the space around it is open space. The Airfield was dedicated in 1935 and turned over and became an Air Force space in 1947 when the Air Force was created. The

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Army took title to the operational areas in 1984 after the Air Force had left and declared it surplus ten years earlier. Base Realignment and Closure -- Congress had acted to suggest this installation for closure and POL in 1988. Right now we are preparing to transfer a majority of this parcel to the City of Novato, and I will get into that in a little bit -- I say a majority, but not all of the parcel will be transferred at this time. Although this document covers the entire parcel, and we believe it is suitable for transfer, not all of it will be transferred at this time and I will get into that in a minute. You have a figure in your handouts which shows the site. This is the POL Hill parcel.

You will notice that there are a lot of tanks in this area, underground tanks, a lot of piping, different fill stands, and things of that nature. This parcel's basic history was that it was used as the storage facility for all the aviation fuels, and later on jet fuel for the aircraft. All of these features, all of these tanks and fuel lines for the most part have all been removed. There is very few features left. There used to be some buildings at these three locations. Those buildings have also been removed. And about the only structure above ground that exists anymore is the new structure right here which is the groundwater treatment facility for Landfill 26.

The process that we follow for Environmental

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Remediation of this site is the Comprehensive Environmental Response Compensation and Liability Act, CERCLA, also known as Super Fund and the Super Fund Amendments and Re-authorization Act, and that is how we started out on this parcel and I will show you how we varied from that slightly.

Also, the National Oil and Hazardous Substances Pollution Contingency Plan, known as the NCP, and the California Code of Regulations, Title 23 for Underground Storage Tanks.

The normal CERCLA process looks like this -- it is in your handouts -- we will go through an identification stage, go through an investigation stage, into a selection of remedy stage, clean-up, and site close-out. Now when we started this process, we did some identification and we found a few things, petroleum related items, went into the investigation stage, and again pretty much found only petroleum hydrocarbons being released at this site. At that point in this process, we diverged slightly because it was determined at that time that the only contaminants of concern at the site were petroleum hydrocarbons, which are actually exempt from CERCLA. That is why when we started moving into the underground storage tank type regulations, petroleum clean-up and the Regional Water Quality Control Board became the lead agency to oversee the clean-up there.

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So the petroleum process that we followed basically went through the preliminary assessment and the site inspection.

During that phase of the site inspection back in the early '90's, there was a substantial amount of soil removed along with the tanks, and so the remediation took place at that time. All of the soil down to bedrock was actually removed, so everything that basically could be removed was removed. Groundwater was sampled in and around those excavations and it was determined that down in the tank farm area, as I showed you before where all the tanks were collectively associated down in the lower level, there was not an impact to groundwater. It had been identified, however, that in the upper bench -- I will show you on this computer again -- up in this upper bench area up here, that there had been some impact to groundwater down in the fractures of the bedrock dome, so it is pretty much inaccessible. We have excavated all the soil down to bedrock. There is still some petroleum hydrocarbon down into the bedrock fractures itself. It is very difficult to remediate something like that. We have been monitoring the groundwater in that area and it has been decided that monitored natural attenuation is the best solution for that. The level of petroleum in the groundwater right now fluctuates through the year. When groundwater rises in the winter due to rains and that type of thing, groundwater elevation rises, it comes up and

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spreads a little bit more petroleum product out of the fractures, and so the concentrations go up. Our last sampling round had those elevated about ten times the residential clean-up values of the surrounding properties. So we are not really high, but we are above the clean-up goal for that. Towards the end of the summer when things are drying out, the natural attenuation of safe place biological processes, super eight gallon petroleum, it comes down to somewhere less than half, down to about one-third of our values that occur in the winter time. So it gives a little bit of an input in the winter time when groundwater rises, but then over the dry months it is attenuating, biodegrading as we go on into the summer. So looking at the sampling, we have traditionally had higher values peak in the winter and then, in the summer time, values have dropped. The groundwater is stable. We have surrounding wells that have had monitor detection for several rounds of sampling and so we believe that the plume or the contamination there is fairly stable, it is not migrating on the site or anything of that nature.

The two documents that we have out right now with the Water Board, to summarize all of this, are the Closure Report, and that covers all of the features on the site except for the above ground Storage Tank 2 area where we have the petroleum issue. We have a corrected action plan

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in for that ASC 2 area. Those two documents, one of them closes out everything on the site except for the petroleum problem, and the other one says that, for that petroleum problem, we are going to implement and monitor natural attenuation as the remedy there. Eventually, we would be hoping to get to site close-out and that will occur once the Water Board and the Army are both sure that, again, things are not migrating, the situation is stable, and it does not pose a risk to human health and the environment. At that point in time when they are satisfied, we will be able to go to formal site close-out.

Mr. * - Is there a projection on that kind of time frame we are looking at?

Mr. Keller - Right now we have taken samples about the -- we had a sampling program that went quarterly for about a year. That was back in the '98, early '99 time frame. We skipped a year as we were in discussions with the Water Board and those types of things. We started sampling again in 2001, so we have some data from 2001, 2002, we just sampled again in 2003 in February, so I would guess that maybe in another year or two of yearly sampling will be enough that the Water Board will be able to take a look at that and see what the trend is on those yearly events. Right now we are sampling in February, which is when our

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highest concentrations occur. So once we have a few years of data, I believe we will be able to go for site close-out at that time. We do not expect that the situation will change dramatically over the next few years because the highest concentration that we ever had we actually got in 2002 because we had a very wet December. I do not know if you remember that, but it was an extremely wet December and we sampled in the January/February time frame, and it is just that the groundwater elevation that rises up, again, it grabs a little bit of petroleum out of the cracks in the bedrock as it does that. So it really depends on the type of winter we are having will determine what the concentration is. So we do not expect that the situation will change dramatically over time, but we think it is stable and that it is not an issue. It is not accessible with people since it is down into bedrock. The groundwater there is not used for drinking water or irrigation or anything else. The groundwater is not being pumped at all.

The Natural Property Transfer Process for Base Realignment and Closure Act, to talk briefly about a summary of the process itself, the Environmental Baseline Survey that I mentioned before, its purpose, and the conditions of property that are outlined in that document, and then the Finding of Suitability of the Transfer. We will go over the guidance for that document, the purpose of the document, the

transfer and re-use of the property and the findings, and then we will open it up for questions and answers and public comment.

The Summary of the Transfer Process basically starts with the decision to close the installation. That is made by Congress. At that point, there was a property screening that took place. In the case of POL Hill, there is Congressional legislation that says POL Hill will be transferred to the City of Novato. That is the property screening process that we have here is that you go through federal screenings, you go through federal agencies, one, and then from there you go to state and local agencies, and see who is going to actually get the property. In this case, it was an act of Congress that designated this property, along with several of the other out-parcels at Hamilton that would go to the City and/or Developers at that time. So that has already been decided. We have an Environmental Baseline Survey and we will get to that on the next side here. We go through the Environmental Baseline Survey basically to give us that snapshot of what the installation looks like at the time of transfer, notifying the regulators of the initiation of the FOST, and to prepare the draft FOST. We let everybody know we are going to do this and we prepare the document, we notify the publics and

agencies of the public comment period, which is open right now starting June 30th, and it runs through July 30th. And we have placed ads in the local papers to run in advance in the I.J., announcing that public comment period. We have the fax sheet that I mentioned earlier that went out in our mailing to a mailing list that we have of about 1,300 addresses or so, quite extensive. The document are available in our office, they are available at the Novato Public Library Main Branch, and they are also available on line. That information is all on the fax sheet, and where to send comments to and everything. They are all on the fax sheet also -- our addresses.

The process from here on our is, once we have received public comment, is to finalize and sign the FOST. That will be signed at the field office level. And once that occurs, we will put out a public notice notifying the public that it has been signed and, again, we will then put the final documents out for anybody that would want to review them. Along with that will come instructions to the Corps of Engineers Sacramento District as our real estate agent for this installation, and they will be requested to transfer the property to the City. We have already entered negotiations with the City on Draft D for the property, and so that FOST has already begun in anticipation of having

signed FOST and being able to transfer the property that is targeted for this year before September 30th. The Environmental Baseline Survey that I mentioned, it documents the current conditions of the property to establish an environmental baseline and limit future Department liability. It has in it the condition of the property at the time of the sale so that if there is a condition that is found in the future, we can go back to that document and try to ascertain is this something that occurred after transfer, there is a new discovery that we did not know about at the time of transfer, and try to decide who the responsible party is from that. The other purpose of it is it classifies the property into one of seven Department of Defense categories. That is on the next slide here and it describes those. It supports the transfer of the property and meets the Army's obligations in CERCLA by identification of property and category. CERCLA basically was implemented to identify those properties that have been transferred and put into re-use earlier. If a property is basically uncontaminated, then we can get the transfer process going early. The Department of Defense seven conditions of property that I mentioned, this property falls into Category 2 for the entire parcel, which says that the only thing that we have found here is petroleum products release and disposal of them. The rest of these categories have to do

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mostly with other hazardous material releases and things on the site. We have not identified any, and so we do not fit into Category 1, which is no releases, but we do fit into Category 2. Again, since petroleum is exempt from CERCLA, this allows us to transfer the property to a regular finding of suitability of transfer of process. If we were in categories 5, 6 or 7, you can not use this process. It is only able to be used on Categories 1 through 4. Five, 6 and 7 basically say you have got some problems there, or you would have some things that you do not know about.

The Findings of Suitability to transfer the items comes once again from comprehensive environmental response, Compensational Liability Act, or CERCLA, Section 120(h). Also, we have Department of Defense policy about base realignment and closure of '95, the BRAC clean-up plans guidance. The purpose of this document is that the environmental condition of the property demonstrate that the property is either uncontaminated, which would be Category 1, does not require remediation, Category 3, or that all necessary remediation has been completed, or necessary mediation is in place, operating property and successfully.

Those would be Category 4's. Well, what you do not see here is that and/or is only a petroleum-only site. We really fit into the petroleum-only site and that remediation is in place and operating properly and successfully,

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monitoring natural attenuation -- we have our monitoring wells in place and we have been monitoring those over time.

Provides associated land use restrictions -- any kind of restrictions for the property because of the condition. We do have some restrictions in here. It does restrict the property from residential-type **[INAUDIBLE RECORDING HERE]**. CERCLA tells us that we must provide an open covenant that says all the actions have been completed, everything is in place, and all satisfactorily. So this document supports our *.

The property itself, when it transfers, as I mentioned, a majority of the property -- included in this aerial photo, you will notice that POL Hill and Landfill 26 parcels share a property boundary right through here, the Landfill 26 parcel and its buffer zones -- there is about a 200-foot-wide bumper zone which is around the landfill. There is another act of Congress that says the Army will retain that property and will not be transferred -- well, there is an overlap here -- that 200-foot buffer zone overlaps onto a part of the POL parcel. So that portion of POL Hill that overlaps with the buffer zone will not be transferred at this time. We are right now trying to find a way to actually remove that property from the Base Realignment and Closure rules and transfer it to another

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entity within the Army that was holding the title to the landfill so that, as far as Base Realignment and Closure is concerned, they will have gotten rid of that part of the property and the same person that holds the actual title to the landfill will now also hold title to that 200-foot buffer so that they then have full control on what happens there. As I mentioned, one of the only buildings left on the property is the groundwater treatment plant for Landfill 26 groundwater, so the person that is holding title to the landfill definitely has an interest in that 200-foot buffer, so we are trying to put that into effect so that we are not left with a 200-acre parcel at Hamilton being the only BRAC parcel left at Hamilton. So we are working on that. That leaves roughly six acres, approximately six acres that will be transferred to the City of Novato. The future use of the property right now is intended to be open space, so we do not expect that much will change on the parcel. There is also, since we are within that buffer zone of the landfill, there will be another restriction on the property regarding the old use and the future * restriction on the type of construction that is required *. So that is under Title 27 and those restrictions will also be implemented through the FOST and into the *.

Mr. * - Is there considered like in Congress on that 200-foot buffer, or is that going to be something which

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the agencies can --

Mr. Keller - It is actually going to be a transfer.

Mr. * - If the 200-foot buffer got taken care of, does it take an act of Congress to go with --

Mr. Keller - I do not believe that would take an Act of Congress. Right now there is just two acts that are somewhat conflicting and the acts of Congress usually tags these into principle remediation acts, and on one hand you have a Base Realignment Closure Act which says you will close and transfer this property, and on the other hand, you have this one act of Congress that says Landfill 26 covers the use by the Army. So we have got the lawyers, you know, that look at the two together to see if there is some way we can use that to our advantage for the *. Right now, the formerly utilized sites * Project Manager who is responsible for the landfill is very interested in retaining that title.

It is just right now a matter of administratively finding the actual organization * so that we can also add this parcel under the property so that they will then have the entire landfill and the entire buffer zone, so the buffer zone all title in that same person within the Army. And that is -- I thought it would be much easier to ascertain than it has been so far. *

Mr. * - Are you suggesting that that buffer parcel

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will be done as part of that same parcel if Congress says the Army would remain in perpetuity?

Mr. Keller - Yes. *

Mr. * - Oh, and its buffer zone --

Mr. Keller - Yes, it says the landfill and its buffer zone will held in perpetuity, so we have two conflicting acts from Congress, basically. So right now that is why we are trying to transfer that extra possibly two acres to the same entity that holds title to the landfill, so they will have the landfill and its entire buffer zone, the title under the same organization. And then the BRAC program, the best result of all of this will be *. So I would say if we do not have two acres being the only BRAC property * becomes just an administrative * in perpetuity.

Mr. * - Now have you given any thought to removing those two acres from the FOST?

Mr. Keller - We have not. We have not done that because, from the BRAC perspective, down the road, we would almost have something that you could say, "Okay, you need a FOST for those two acres" when the landfill transfers to somebody else, having to come back and say this is a BRAC responsibility, this is BRAC property, and therefore the FOST covers the entire parcel, however the FOST is very clear -- right up front it says, "This part is not being

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entered at this time."

Mr. * - The reason I ask is because, tomorrow, we are supposed to get that unpublished data and all that? And I am not going to be able to review it to get a letter out by next Wednesday that says everything is fine, but everything is not fine. If that two-acre parcel is removed, that simplifies my letter writing process. But, you know, the issue of if it is a Category 5, 6 or 7.

Mr. Keller - Right, and understandable --

Mr. * - But right now, as far as the data that is referring to some issues with these three buildings --

Mr. Keller - These three former buildings on the site, and there were some drums, empty drums reported there in 1991, the buildings and the drums no longer exist. We do have -- this outline here is an excavation that took place within the area of these buildings, so we do have the data from the excavation of that whole thing and some of that data is what we will be looking at here in the next couple of days. There was a report back in the '97 time frame that went over a majority of this stuff, but we are finding pretty much nothing that is contradictory to what was published in '97. You know, that was all the information that was looked at at the time, and there was samples around the excavation also and those kinds of things. So right now, I believe there is not anything out there that

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indicates anything contrary to what was done back in '97 when it was decided that that was a petroleum only area.

Mr. * - I ask mostly from the timing perspective because I am not going to have time with all this early transfer stuff going on to look through this box of material and get a letter out. I do not have the time to do that by next Wednesday.

Mr. Keller - That is probably something to talk to at the meeting tomorrow morning.

Mr. * - At the 10:00 meeting --

Mr. Keller - Sure.

Mr. * - Right now, I did not have any intentions of removing the two acres out of the FOST itself. We can talk about that at the 10:00 meeting tomorrow.

Mr. Keller - Sure. The findings of the FOST that we have published in the document that we have concluded that the property is suitable for transfer and that we have met the Department of Defense requirements for making that determination that it works intended re-use as open space. As I mentioned before, we do have some restrictions on the property. It will not be used for residential purposes, you will not be able to use the groundwater on the site, those types of things, but the re-use of the property will not pose a risk to human health or the environment.

As I mentioned before, the document is out right

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now and open until the 30th for public comment. The last slide that I have is do we have any comments, questions, those types of things. The documents -- if you have not physically seen them, this is the FOST itself. It is a relatively slim document. It relies on the Environmental Baseline Survey which was a joint document for Hospital Hill and POL Hill. We have all of these documents available in our office. We have the Closure Report for those features on the site that we believe are all gone and cleaned-up, and also the correct Vacuum* Plan -- this is for that area where we do still have petroleum in the groundwater. So these documents are available in our office for review. The FOST and the EDS are also available online. And do we have any questions, comments, concerns? Nothing beyond what was already expressed? Then, thank you very much for coming this evening. I will be around for a little bit if anybody has any additional questions and if you have comments, addresses and stuff are on the fax sheet to make your comments officially. They need to be submitted by either fax, e-mail, or through the snail mail. That concludes.

[Adjourned.]